

## REMARKS

This is a response to the Restriction Requirement mailed on January 23, 2009, and a Preliminary Amendment. Applicants have hereby amended claims 1-5, 7-14, 16-17, and 20 to more distinctly claim that which Applicant regards as his invention. No new matter has been added by these amendments. Applicant hereby cancels claims 6, 19, and 21-30, without prejudice.

The Examiner required Applicant to elect between inventions described as:

Group I, claim(s) 1-30, drawn to a heat transfer device.

Group II, claim(s) 31-33, drawn to a method of making a heat transfer device.

In order to be responsive, Applicant hereby elects Group I. However, Applicant respectfully traverses the restriction requirement, as the Examiner's reasoning regarding lack of unity of invention is based on the purported anticipation of the previous version of claim 1 by US6,446,706 and US3,834,457, which references clearly do not anticipate the currently amended claim 1 (see further discussion below).

The Examiner also required Applicant to make a species election. Applicant respectfully traverses the species restriction, at least for the reason that the amendments to claim 1 make it clear that claim 1 is not anticipated by the cited U.S. references (US6,4446,706 and US3,834,457), thereby obviating the grounds for lack of unity of invention based on PCT Rules 13.1-13.2. Specifically, claim 1 recites a laminated structure of a sparse mesh layer and a dense mesh layer, which is not disclosed, taught, or suggested by these references, alone or in combination. Further, as admitted by the Examiner on p. 4 of the outstanding Office action, claims 1-10 are generic.

In order to be responsive, Applicant hereby provisionally elects the species of Fig. 3., which Applicant believes corresponds to claims 1-5 and 7-11.

However, in addition, claims 12-18 and 20 share the novel laminated structure of a sparse mesh layer and a dense mesh layer, as a single general inventive concept, and define additional limitations thereto. Accordingly, Applicant respectfully requests that all of claims 1-5, 7-18 and 20 be examined in this application.

Attorneys for Applicant retain the right to petition from the restriction requirement under 37 C.F.R. § 1.144.

Applicant respectfully requests consideration and entry of these amendments and remarks into the file for the above-identified application.

No fees are believed to be due with this submission, other than the fee for a one-month extension of time requested in the Petition submitted herewith. Please charge any fee that may be due or credit any overpayment to Jones Day Deposit Account No. 50-3013.

Should the Examiner have any questions or comments concerning this submission, he is invited to call the undersigned at the phone number listed below.

Respectfully submitted,

Date: February 24, 2009

  
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